United States District Court Southern District of Texas

ENTERED

June 27, 2019 David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

State of Texas, et al.,	§
Plaintiffs,	
	§
v.	§
	§
The United States of America, et al.,	§
Defendants,	§
	§
Karla Perez, et al.,	§
Defendant-Intervenors,	§
	§
and	§
	Ş
State of New Jersey,	Ş
Defendant-Intervenor.	§

Civil Action No. 1:18-CV-00068

ORDER

The Court held a hearing in order to address certain discovery disputes in this case. In accordance with the conclusions reached at the hearing, the Court hereby orders the following:

- 1. Plaintiff-States shall answer the interrogatories and requests for production identified in Defendant-Intervenors' Motion to Compel Discovery [Doc. No. 383]. Defendant-Intervenors have acknowledged that Plaintiff-States more than likely cannot access all of the information sought and cannot provide precise responses to all of the discovery requests without knowing the identity and location of all DACA recipients. Defendant-Intervenors have acknowledged that, if truthful, Plaintiff-States' response that they do not keep the requested information in the manner in which it is sought and cannot compile the information without first being provided the names of and identifying information for DACA recipients in the Plaintiff-States would suffice as a response.
- 2. Federal Defendants shall answer Interrogatory No. 13 identified in Defendant-Intervenors' Motion to Compel Discovery [Doc. No. 386] to the following extent: Federal Defendants shall review a randomly selected sample of 500 DACA recipients who were granted advance parole and who were subsequently approved for adjustment to lawful permanent

¹ Namely, Interrogatories Nos. 4–15 & 18–21 and Requests for Production Nos. 2 & 8 [see Doc. Nos. 383-12 & 383-16].

resident or citizen status, and Federal Defendants shall identify the number of DACA recipients within that sample who indicated on their I-821D, in response to Part 3. Question 4., that their immigration status on June 15, 2012 was "Status Expired" or "Parole Expired," and who answered in the affirmative in response to Part 3. Question 5.a. ("Were you EVER issued an Arrival-Departure Record"). Federal Defendants shall serve their answers to the interrogatory within 90 days. The Court requests that Federal Defendants comply with this discovery request as expeditiously as is reasonably possible.

- 3. The hearing on Plaintiff-States' Motion for Summary Judgment previously scheduled for July 8, 2019, at 10:00 AM is rescheduled for October 28, 2019 at 10:00 AM.
- 4. Except as specified in this order, Defendant-Intervenors' Motion to Deny or Defer Consideration of Summary Judgment [Doc. No. 363], Defendant-Intervenors' Motions to Compel Discovery [Doc. Nos. 383 & 386], and Federal Defendants' Motion for a Protective Order [Doc. No. 393] are denied without prejudice, and any associated objections are overruled.
- 5. If the Court ultimately denies Plaintiff-States' Motion for Summary Judgment [Doc. No. 356], the Court will at that time entertain a request to re-open discovery, should any party so request and show good cause.

Signed at Houston, Texas, on this the 26th day of June, 2019.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE